

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRENT MARTINEZ,

Defendant.

**8:08CR307**

ORDER

Defendant Brent Martinez appeared before the court on December 20, 2018, on a Second Amended Petition for Offender Under Supervision [80]. Defendant was represented by Assistant Federal Public Defender Michael F. Maloney, and the United States was represented by Assistant U.S. Attorney Matt E. Lierman. Defendant waived his right to a probable cause hearing on the Second Amended Petition pursuant to Fed. R. Crim. P. 32.1(b)(1)(A). The government moved for detention, and a detention hearing was held. Defendant has failed to meet his burden to establish by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1).

I find that the Second Amended Petition [80] alleges probable cause and that Defendant should be held to answer for a final dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. The government's motion to withdraw the Petition for Warrant or Summons for Offender Under Supervision [47] and Amended Petition for Warrant or Summons for Offender Under Supervision [70] is granted.

2. A final dispositional hearing will be held before Senior Judge Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on January 14, 2019, at 2:00 p.m. Defendant must be present in person.

3. Defendant Brent Martinez, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

4. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

5. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 26th day of December, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge